

AMENDMENT UNDER C.F.R. 37 § 1.111  
U.S. Appln. No.: 09/882,018  
Attorney Docket No.: Q64966

### **REMARKS**

This amendment, submitted in response to the Office Action dated January 30, 2004, is believed to be fully responsive to each point of objection raised therein. Accordingly, favorable reconsideration is respectfully requested.

#### **I. Formal Matters**

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on June 18, 2001.

Additionally, Applicant thanks the Examiner for acknowledging the claim to foreign priority under 35 U.S.C. § 119(a)-(d) and for confirming that the certified copy of the priority document has been received.

Claim 5 has been added to describe the formula for computing the traffic value for each cell of the specific embodiment described. Finally, claim 5 has been added to describe features of the invention more particularly.

#### **II. Drawings:**

The Examiner has objected to the drawings because Fig. 3 includes reference signs not mentioned in the description and Fig. 2 lacks details explaining each block of the flow chart. Applicant herewith submits replacement sheets for the above mentioned figures. Accordingly, Applicant requests that the objection be withdrawn.

#### **III. Claims**

With the additions described above, claims 1-4 are all the claims pending in the application.

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**A. Rejections under § 102.** Claims 1-4 stand rejected under 35 U.S.C. § 102 as being anticipated by Vasudevan et al. (U.S. Patent No. 6,539,221, hereinafter “Vasudevan”).

Applicant respectfully traverses this rejection with respect to independent claim 1, which requires:

A method of constructing a representation of the geographical distribution of traffic for a cellular radio network, the method comprising the steps of: dividing each cell of said cellular network into a set of areas.

In making this rejection, the Examiner asserted that Vasudevan discloses a method of constructing a representation of the geographical distribution of traffic for a cellular radio network comprising all three steps of the claimed invention. However, to be an “anticipation” rejection under 35 U.S.C. § 102, the reference must teach every element and limitation of the Applicants’ claims. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.

Vasudevan does not teach each element of the claimed invention but only teaches a system determining a value representing estimation of traffic in discrete bins within a geographic area (*see* col. 1, ln. 64-67, Vasudevan). The Examiner is mistaken in attempting to correlate the discrete bins of Vasudevan to the set of areas in the claimed invention. Therefore, Vasudevan is deficient with respect to the division of cells within the cellular network into areas to obtain a traffic representation. Therefore, Applicant respectfully requests the Examiner to withdraw the rejection of independent claim 1.

Applicant respectfully submits that the reference cited above by the Examiner fails to teach or suggest all of the claim limitations as set forth in the present invention. Since claims 2-4 depend from claim 1, and since the Vasudevan reference does not disclose all of the limitations of claim 1, Applicant submits that claims 2-4 are patentable at least by virtue of

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their dependency from claim 1. Accordingly, Applicant respectfully requests that the rejections of claims 1-4 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

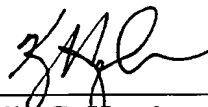
Finally, without at least such a suggestion, one would not have been (and could not have been) motivated to modify the wireless network optimizing system, as disclosed in Vasudevan, to produce the claimed subject matter. The Examiner is therefore respectfully requested to withdraw the rejection from independent claims 1 and the claims that depend therefrom.

#### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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